IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

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No. ____

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JOSEPH LOESCH,

Petitioner,

v.

KATHRYN HECK,

Respondent.

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# APPENDIX

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JOSEPH C. LOESCH
18363 Germain Street
Northridge, California 92134
(818) 363-7792

In Propria Persona

## INDEX

ORDER DENYING REVIEW

AFTER JUDGMENT BY THE COURT OF APPEAL

2nd District, Division 2, No. B016191
S000768

**IN THE SUPREME COURT OF
THE STATE OF CALIFORNIA**

**IN BANK**

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LOESCH

v.

HECK

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SUPREME COURT
FILED
JUN - 2 1987
Laurence P. Gill, Clerk

Appellant's petition for review DENIED.

LUCAS
Chief Justice

NOT FOR PUBLICATION

IN THE COURT OF APPEAL

OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

| | | |
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| JOSEPH C. LOESCH, | ) | NO. B 016191 |
| | ) | |
| Plaintiff and Appellant, | ) | (Super.Ct.No. CF 23417) |
| | ) | |
| | ) | |
| v. | ) | |
| | ) | |
| KATHRYN HECK, | ) | |
| | ) | |
| Defendant and Respondent. | ) | |

Appellant, Joseph Loesch, and respondent, Kathryn Heck, are the unmarried parents of Ingrid Loesch, born October 27, 1982. Appellant appeals from orders of the superior court denying him joint legal custody and equal physical custody of the minor child, as well as the right to seek nonemergency medical treatment without respondent's consent. He further appeals from orders directing him to pay $8,500 as attorneys' fees to respondent's attorney upon a future showing of his ability to pay, and denying his timely request for a statement of decision. (Code Civ. Proc., § 632.) He contends, in essence: (1) that the court was biased against appellant; (2) that the denial of joint legal custody and equal physical custody deprived him of equal protection and due process of the laws; (3) that the custody order was not in the best interests of the minor child; (4) that the court abused its discretion in modifying a previous joint custody agreement without a showing of changed circumstances; (5) that the award of attorneys' fees to respondent's attorney was without a sufficient factual basis; and (6) that

the denial of a statement of decision requires reversal of the superior court's orders. We affirm.

Appellant and respondent dated intermittently for several years prior to the birth of their daughter, Ingrid. The couple never lived together or married. From the date of her birth, Ingrid resided with respondent. Paternity was never a disputed issue, however, and appellant readily acknowledged that he was the father of the child and contributed funds toward her support. Until December 5, 1983, by mutual agreement of the parties, appellant visited Ingrid at respondent's residence two evenings each week and all day on either Saturday or Sunday, as his schedule permitted. On December 5, 1983, appellant requested to modify the visiting schedule to permit overnight visits to his residence three nights per week. Respondent agreed to the change on a trial basis. After several weeks, however, respondent perceived drastic changes in the child's behavior, and refused to allow overnight visitation. Angered, on February 24, 1984, appellant filed a complaint to establish paternity and visitation rights.

Pending the custody hearing, appellant filed numerous other pleadings including requests for injunctive relief and restraining orders, and orders to show cause, and twice sought to have respondent held in contempt.[1] Once, while respondent was making a court appearance in response to one of appellant's filings, appellant abducted the parties' child and temporarily refused to disclose her whereabouts to respondent.

Respondent thereafter filed an Order to Show Cause seeking full legal and physical custody of Ingrid. Subsequently, the parties signed a written stipulation providing for joint legal and physical

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1 At appellant's request, the superior court had issued a temporary order restraining respondent from interfering with appellant's visitation rights by committing acts of violence or by entering his residence during periods when appellant had physical custody of Ingrid. On June 4, 1985, respondent was adjudicated guilty of one contempt in connection with an incident on September 29, 1984, wherein she entered appellant s residence and used physical force to prevent him from taking Ingrid to the home of his parents during visitation hours. Respondent was sentenced to five days in county jail, suspended, and placed on probation for three years.

custody pending the custody hearing, which was approved and filed by the superior court on July 3, 1984.[2]

At the June, 1985 custody hearing, appellant attempted to establish that respondent suffered from an alcohol abuse problem and had failed to provide Ingrid with proper medical care. He testified that respondent's "drinking and her temper" had been a problem throughout their relationship. Respondent testified that she did not presently suffer from an alcohol abuse problem and suggested that appellant had exaggerated the problem because he disapproved of her consumption of moderate quantities of beer when she was nursing Ingrid.

The respective living situations of the parties were also the subject of testimony at the custody

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2 Respondent was given physical custody except for Tuesday and Thursday evenings and every other weekend. The stipulation also provided that neither party would bear the burden of proof at the anticipated custody hearing, and that each would submit to clinical evaluation by a court-appointed psychiatrist.

hearing. It was established that appellant resided in a large single-family home owned and occupied by his parents, in which Ingrid had her own bedroom. Appellant was employed as a word processor, with regular work hours of 7 a.m. to 6 p.m., Monday through Thursday. Appellant's mother had agreed to care for Ingrid during any regular work days that appellant had physical custody of his daughter. His net income, less state and federal income tax and social security withholding, was approximately $1,400 per month. Appellant claimed monthly expenses, including child support, which slightly exceeded his income.

Respondent lived in a rented home, which she shared with a roommate. Ingrid also had her own bedroom there. Respondent was employed as a babysitter for another family for approximately 50 hours per week. Ingrid accompanied respondent to her job each day and played with another child, under respondent's supervision. Respondent earned approximately $600 per month doing child care, and was receiving public assistance.

At the time of the custody hearing, respondent and Ingrid had for several months been participating in counseling at the Child Guidance Center in Van Nuys, pursuant to the advice of a Children's Services deputy that both parents and the child should seek treatment. Appellant had refused to participate in counseling.

At the conclusion of the hearing, the court made numerous orders detailing the rights and responsibilities of the parties in relation to the minor child. The court awarded respondent sole legal custody of Ingrid. Appellant was awarded physical custody from Thursday evening to Sunday evening every other week, and from Thursday evening to Friday evening on alternate weeks. Respondent was awarded physical custody at all other times. Appellant was ordered not to take Ingrid for nonemergency medical, dental, psychological, or psychiatric treatment without respondent's consent. Respondent was ordered to have Ingrid undergo medical and dental examinations at least once per calendar year, and to notify appellant monthly, in

writing, of all scheduled medical and dental appointments. Respondent was further ordered to reinstate Medi-Cal insurance coverage for Ingrid, the $15 per month deductible to be paid by appellant.[3] The court found that the reasonable value of legal services performed by respondent's attorney was $8,500, but found that appellant had no present ability to pay. The court made an order which provided "that upon a showing of an ability to pay at any future time, the court should order [appellant] to pay these sums as well as any sums incurred for any future legal services rendered to the plaintiff."

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3 Dorothy Hemphill, a medical eligibility worker for the Department of Social Services, testified that Ingrid's Medi-Cal Insurance coverage had lapsed in March, 1985, because respondent had failed to complete and return a required financial status report. Ingrid's pediatric records established that she had been taken for regular medical examinations, but had occasionally missed appointments. Appellant and respondent each attested that they frequently disagreed regarding the necessity of medical treatment, and that appellant was the parent more inclined to feel treatment was needed.

On June 17, 1985, appellant filed a timely request for a statement of decision, pursuant to Code of Civil Procedure section 632. On June 28, 1985, the court filed a 13-page document entitled "Order for Custody, Child Support, Preliminary Injunctive Orders, Etc.," summarizing its findings and orders regarding custody, child support, and attorneys' fees, and denying appellant's request for a statement of decision. The court found, inter alia, that both parties were "loving, caring, committed parents, but in their struggle for the possession and physical control of and for the affections of their child, they ha[d] acted immaturely, contentiously, often irresponsibly, engaging in dispute-provoking conduct, and occasionally acting in a manner contrary to the best interest of the minor child." The court found that appellant had "embarked upon an extensive campaign against [respondent] in the court to try to limit [her] access and rights to see the minor child." According to the court, appellant was responsible for "stif[ling] any reasonable communication effort by either party

and caus[ing] great tension and hostility between the parties."

Based on appellant's demeanor and facial expressions, the court found that appellant was "more rigid and unyielding and . . . more likely [to] be unwilling to make the compromise and sacrifice necessary for any joint custody order and, particularly, a joint legal custody order."

The court found that appellant had failed to prove that the bruise he observed on Ingrid was the result of abuse by respondent, and, further, that the child abuse accusation, together with other charges of interference with his visitation rights, had produced "unnecessary stress and anxiety for both parties." [4]

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4 On February 9, 1985, appellant noticed a bruise on Ingrid's head which he suspected may have been inflicted by respondent. Before taking Ingrid for a medical examination, however, he took her to be seen by the court-appointed psychiatrist, then called the Department of Public Social Services and caused a suspected child abuse investigation to be conducted. Respondent denied inflicting any injury and stated that Ingrid had told her that the bruise was caused when she hit a wall while at the babysitter's residence.

The court further found that both parties were in need of counseling "to make attitude adjustments so that joint custody can work and to help [them] perform as mature parents," but observed that appellant had refused "to voluntarily become involved in any counseling." Respondent was accordingly found to be "more flexible and willing to provide and direct a normal, reasonable environment for the child," and "to make the decisions required of a parent exercising the responsibilities of legal custody."

In a separate section setting forth the reasons for the order of sole legal custody to respondent, the court found, in relevant part, that Joint legal custody would be "unworkable in this case at the present time because . . . the constant pressure exerted by the [appellant] on [respondent] in these court proceedings [had] resulted in significant hostility between the parties," and, "[t]his hostility, plus the immaturity and irresponsibility of the parties, [had] made any meaningful interchange or discussion between them concerning decisions relating to the health, education and welfare of the minor

child impossible." In conclusion, the court declared that the order giving respondent sole legal custody was in the best interest of the minor child.

Appellant's contentions that the court was biased and that his findings were unsupported by evidence are without merit. During these proceedings, appellant abducted his daughter in an attempt to coerce a settlement, and repeatedly accused respondent of child abuse, neglect, alcoholism, and interference with his visitation rights. This conduct, together with the court's observations of appellant's demeanor in court, furnished ample support for the findings that appellant had "embarked upon an extensive campaign against [respondent] in the court to try to limit [her] access and rights to see the minor child," and was the more "rigid and unyielding" parent. The fact that respondent was presently participating in family therapy with the child, while appellant had refused to participate, lends further support to the finding that respondent was more flexible, and more capable of making "the decisions required of a parent exercising the responsibilities of

legal custody." The court's comments and questions regarding appellant's ability to lead a "normal" life if awarded custody, and his parents' appreciation of the burdens that equal physical custody would impose upon them, were nothing more than "the expressions of opinion uttered by a judge, in what he conceives to be a discharge of his official duties, [and] not evidence of bias or prejudice." (Kreling v. Superior Court (1944) 25 Cal. 2d 305, 311; see also Guardianship of Jacobson (1947) 30 Cal.2d 312, 317.)

Nor is judicial bias demonstrated by the court's failure to precisely follow the recommendations of the court-appointed psychiatrist for substantially equal physical custody. The psychiatrist had a limited opportunity to interview and observe the parties and their daughter in a clinical setting, and his evaluation, although helpful to the court, was not binding. The record altogether fails to support appellant's claim that the judge was predisposed to award custody to respondent. (Cf. In re Marriage of Carney (1979) 24 Cal.3d 725, 736; In re Marriage of Levin (1980) 102 Cal.App.3d 981, 988.)

Appellant's claim of bias is also untimely. The disqualification of a judge for bias "must be asserted at 'the earliest practicable opportunity' after learning of the grounds therefor, otherwise it is deemed waived. [Citation.]" (Lagies v. Copley (1980) 110 Cal. App.3d 958, 966.) Here, appellant could have urged disqualification at the time the court made the offending comments. Having failed to do so, appellant may not complain about the alleged manifestations of bias for the first time on appeal. (People v. Klaess (1982) 129 Cal.App.3d 820, 824; Lagies v. Copley, supra, 110 Cal.App.3d at p. 966.)

Appellant's contentions, that the custody order was not in the best interests of the child, and that the court abused its discretion in conferring primary responsibility for the child's health care upon respondent, are similarly meritless. Ingrid's need for stability and continuity were of paramount concern to the court. (Burchard v. Garay (1986) 42 Cal.3d 531, 538 fn. 6; In re Marriage of Carney, supra, 24 Cal.3d at p. 731.) For almost a year preceding the order to show cause hearing, appellant had physical

custody of Ingrid several evenings each week plus every other weekend. The challenged custody order increased appellant's periods of physical custody to approximately one-third of every month. The custody decree adequately balanced the public policy in favor of assuring frequent and continuing contact with both parents and the sharing of the rights and responsibilities of child rearing, with the need to maintain continuity in the child's established mode of living. (See In re Marriage of Carney, supra, 24 Cal.3d at p. 731; Speelman v. Superior Court (1983) 152 Cal.App.3d 124, 131; Civ. Code § 4600.)

Furthermore, it was not an abuse of discretion to award respondent sole legal custody and primary responsibility for health care, given that the hostilities engendered by the custody fight had impeded meaningful communication between the parties. The order for annual medical and dental checkups adequately addressed the danger, if any, that Ingrid's health care would be deficient by reason of respondent's failure to make and keep medical appointments.

Equally without merit is the contention that the court modified a prior order of joint custody without substantial evidence of changed circumstances. Apart from whether a showing of changed circumstances is required where the prior Judicial decree is based upon a stipulation allocating custody rights pending a hearing (see Burchard v. Garay, supra, 42 Cal.3d at pp. 535-538; In re Marriage of Carney, supra, 24 Cal.3d at pp. 730-731), conduct by a parent that frustrates visitation and impairs communication constitutes an adequate ground for modification of custody. (Burchard v. Garay, supra, 42 Cal.3d at p. 541, fn. 11; Speelman v. Superior Court, supra, 152 Cal.App.3d at p. 132.) The court's finding that appellant had "embarked upon an extensive campaign . . . to try to limit [respondent's] access and rights to see the minor child" and thereby "stifled any reasonable communication effort by either party," justified the change in the previous order.

Appellant contends, in essence, that he was denied equal custody rights because of his status as an unmarried parent, and this denied him due process

and equal protection of the law. In support of this contention, appellant refers to the following comment of the court: ". . . we are not dealing with an ex-husband. We are dealing with a father of a child, but it is very important here that I know the distinction." However, review of the entire record discloses that the offending comment was made during the court's questioning of a Medi-Cal eligibility worker. Viewed in context,[5] it is obvious that the

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5 During the testimony of Dorothy Hemphill, a Medi-Cal eligibility worker for the Department of Social Services, the court asked a question of the witness regarding respondent's eligibility. The following colloquy occurred:

"THE WITNESS: She is a single parent, which automatically makes her eligible for Medical [sic]. Her ex-husband's income is not considered. He is not a part of the household, nor is he obligated.

"THE COURT: May I point out something to you, we are not dealing with an ex-husband. We are dealing with a father of a child, but it is very important here that I know the distinction. She is a single parent. The child -- is the child also eligible?

"THE WITNESS: Absolutely. All children are eligible.

"THE COURT: Her child eligible.

"Now the child's father is known.

(Footnote Continued)

court was merely attempting to clarify whether the child's eligibility for Medi-Cal would be different because, although born of unmarried parents, her father was gainfully employed and his identity known. The contention that the court's custody order was based upon appellant's unmarried status finds no support in the appellate record. (See In re Marriage of Wellman (1980) 104 Cal.App.3d 992 998-999, and fn. 5.)

Appellant asserts that reversal is required because his timely request for a statement of decision was refused. This contention is unavailing. Apart from whether Code of Civil Procedure section 632 imposes the duty to issue a statement of decision

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(Footnote Continued)

"THE WITNESS: Yes.

"THE COURT: And the child's father is employed.

"THE WITNESS: Yes.

"THE COURT: Does that still make the child eligible?

"THE WITNESS: Yes."

following a hearing on an order to show cause,[6] the written findings and order filed in this matter substantially comply with section 632's requirement for a written statement of "the factual and legal basis for [the court's] decision as to each of the principal controverted issues at trial." (Code Civ. Proc., § 632.) Moreover, appellant has available for this court's scrutiny a full record of the proceedings below, as well as 13 pages of written findings of fact and conclusions of law, albeit containing a disclaimer of the necessity of issuing a statement of decision. Since appellant's right to meaningful review of the court's orders is adequately preserved, the denial of the request for a statement of decision does not compel reversal. (See In re Marriage of Wood (1983) 141 Cal.App.3d 671, 678-680; Guardianship of Baby Boy M. (1977) 66 Cal.App.3d 254, 268; cf. In re Rose G. (1976) 57 Cal.App.3d 406, 416-417.)

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6 Compare In re Marriage of Wood (1983) 141 Cal.App.3d 671, 678-680 with In re Marriage of S. (1985) 171 Cal.App.3d 738, 746-750. See also California Rules of Court, rule 232, which sets forth the procedural requirements for the issuance of a statement of decision.

Appellant's remaining contention, that the court failed to consider the criteria set forth in Civil Code section 4370.5 in determining the reasonableness of respondent's attorneys' fees, is equally unavailing. In determining that the $8,500 amount was reasonable, the court appears to have considered that appellant's own attorney had billed him for an "astonishing sum exceeding $25,000" ($37,000) for services performed in connection with the same custody proceedings, and that appellant and his attorney had frustrated "the policy of the law to promote settlement of litigation, and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys." (Civ. Code, § 4370.5, subd. (b) (2).) Despite the reasonableness of the fees requested, the court declined to make an order requiring appellant to pay any portion of the $8,500 upon finding that he lacked the present ability to pay. (Civ. Code, §4370.5, subd. (b) (1).) Nor did the court abuse its discretion in providing that appellant should be ordered to pay the $8,500 or some substantial portion of it upon a showing of ability to pay in the future.

Civil Code section 7011 authorizes the court to order payment of reasonable attorneys' fees "to be paid by the parties in proportions and at times determined by the court."

The orders under review are affirmed.

NOT FOR PUBLICATION.

FUKUTO

We concur:

COMPTON, P.J.

GATES, J.

COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
CLAY ROBBINS, JR., CLERK

DIVISION: 2 DATE: 04/03/87

Joseph C. Loesch
18363 Germain Street
Northridge, CA 91324

BO16191

RE: Loesch, Joseph C.
vs.
Heck, Kathryn

2 Civil BO16191
Los Angeles No. CF23417

APR 3 - 1987

PETITION FOR REHEARING DENIED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

| | |
|---|---|
| JOSEPH C. LOESCH<br><br>Plaintiff,<br><br>vs<br><br>KATHRYN HECK,<br><br>Defendant. | CASE NO. CF 23417<br><br>ORDER FOR CUSTODY, CHILD SUPPORT, PRELIMINARY INJUNCTIVE ORDERS, ETC. |

On June 4, 1985, orders to show cause for contempt and for custody, visitation and modification of child support were transferred to Department 19 for hearings. The hearings were commenced on June 4, 1985 with the Court hearing the contempt order to show cause against defendant first. After this hearing, defendant was found guilty of civil contempt and given a summary probation sentence. The hearings on the other matters were then commenced. The Court considered

EXHIBIT "C"

PUBLISHER'S NOTE

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the testimony, the documentary evidence, declarations and certain psychiatric and psychological reports which parties had stipulated the Court was to consider.

The plaintiff and defendant stipulated that they were, respectively, the father and mother of the minor child. The Court made an order on that stipulation. A judgment for paternity and support adjudging plaintiff herein as the father was filed June 30, 1983 in Case No. LSD 011186. The Court takes judicial notice of that judgment.

The matters were submitted for decision on June 5, 1985 and, on that date, the Court orally announced its decision in the above entitled matter and directed the lawyer for plaintiff to prepare an order memorializing the oral order. The Court asked plaintiff's lawyer to prepare the attorney order because he was the only lawyer who appeared to have been paid. Thereafter, said lawyer wrote the Court a letter wanting to know why the Court failed to follow some of the recommendations of Dr. Chase, a psychiatrist, who had prepared reports that the

Court was to consider in reaching its decision. When the Court advised plaintiff's lawyer that the Court's decision included a consideration of all the reports, including Dr. Chase's report of February 17, 1985, plaintiff then filed a lengthy argumentative request for a statement of decision. Such a request is contrary to the law. A request for a statement of decision is limited to a trial. Code of Civil Procedure Section-632.

It is true that a court must give its reasons for rejecting a joint custody request under some circumstances (see Civil Code Section 4600.5) and the court must make findings or state a reason as to the court's basis for its child support order (see Civil Code Section 4700), but a request for a statement of decision is totally improper after an oral order after a hearing in a pretrial motion or order to show cause. In re Marriage of Wood (1983) 141 Cal. App. 3d 671, suggested that a motion or OSC court follow the statement of decision procedure in stating its reasons or findings as required by Civil Code, Sections 4600, 4600.5, 4700 subd. (a). This Court does not read

the dictum of In re Marriage of Wood, supra, as requiring a separate statement of decision. The Court, in orally announcing its decision on June 5, 1985, did not announce a statement of intended decision but made an order that was to be memorialized by an attorney order. The Court's oral order of June 5, 1985 which is contained in the notes of the official court report, gave its factual reasons why a joint legal custody order was inappropriate and the factual basis for its order for child custody and support.

The Court finds that plaintiff and his lawyer, by the letter of plaintiff's lawyer addressed to the Court after the Court's oral order and by the request for a statement of decision, failed to act in good faith and acted frivolously and with the intent to unnecessarily delay and burden the Court. The request was made without justification or good cause.

It would serve no useful purpose for the Court to initiate sanction proceedings or to continue to require plaintiff or his lawyer to prepare the written attorney order. The matter was submitted for the

Court's decision and order on June 5, 1985. Plaintiff and his lawyer are using unauthorized means to argue against the Court's order. There is no immediate prejudice to the defendant by plaintiff's questionable tactic. The danger in this case is that this unhappy, petty dispute may soon escalate into something ugly or even tragic.

The Court rejects the plaintiff's request for a statement of decision.

The Court now makes the following written order, which order memorializes the Court's oral order of June 5, 1985.

CUSTODY

A. Prior Orders

1. In County of Los Angeles vs Joseph Christopher Loesch, Case No. CSD 011186, the court made no custody order, but the court infers the defendant/mother, a witness only in that case brought under Welfare & Institutions Code Sections 11350.1, 11475.1, 11476.1, had custody because a child support order was made payable to her.

2. In this case, the parties stipulated to joint custody of their minor child. This stipulation became a court order on July 3, 1984. The order provided that defendant/mother was to have physical custody a majority of the time although the plaintiff was to have substantial custody time sharing.

B. Parties

1. The Court finds that both parties are loving, caring, committed parents, but in their struggle for the possession and physical control of and for the affections of their child, they have acted immaturely, contentiously, often irresponsibly, engaging in dispute-provoking conduct, and occasionally acting in a manner contrary to the best interest of the minor child.

2. The parties are presently unable to communicate with each other in any meaningful way concerning any aspect of the life or welfare of their child. In this regard, the plaintiff has embarked upon an extensive campaign against defendant in the court to try to limit defendant's access and rights to see the minor child. This campaign has stifled any

reasonable communication effort by either party and caused great tension and hostility between the parties. In observing the demeanor of the parties, and particularly their facial expressions and manner of testifying, the Court finds that the plaintiff continues to be more rigid and unyielding and would more likely be unwilling to make the compromise and sacrifice necessary for any joint custody order and, particularly, a joint legal legal custody order.

3. The Court expects that the parties will eventually make appropriate adjustments to the shared custody of their child and, in the future, will be more responsible and mature in their relations with each other concerning the welfare and the best interests of the child and the child's day-to-day association and life with both parties.

4. The Court finds no history of child abuse. The plaintiff has failed to sustain his burden that the claimed single incident of child abuse was, in fact, an act of child abuse. The Court further finds that the plaintiff's claim of child abuse plus the charges by plaintiff that the defendant interfered with his

custody time by making him pick up the child at places different than defendant's residence have produced unnecessary stress and anxiety for both parties.

5. At this time, the defendant/mother is found to be more flexible and willing to provide and direct a normal, reasonable environment for the child. The Court finds that the defendant/mother is more able, at this time, to make the decisions required of a parent exercising the responsibilities of legal custody.

6. The Court finds that both parents are in need of a psychiatric, psychological or other behavioral science counseling. The counseling is necessary to help the parties make attitude adjustments so that joint custody can work and to help the parents perform as mature parents. The plaintiff/father refuses to voluntarily become involved in any counseling. The Court recommends that defendant continue to participate in counseling with the minor child at a convenient child guidance center. It is claimed by plaintiff's father that defendant has an alcohol drinking problem. While defendant denies

this is now a problem, the Court advises her to ask that the counseling process include an alcohol or substance abuse program. The Court recommends that the minor child be included in the general counseling process to assist the child in dealing with the disputes, stresses and the tensions of this joint custody situation.

7. The defendant/mother is ordered to try to immediately reinstate herself and her child with Medi-Cal for both medical and dental care.

C. Legal Custody

a. It is ordered that the defendant/mother is to have the sole legal custody of the minor child, Ingrid Kathryn Loesch, born October 17, 1982.

b. The defendant's legal custody means that the defendant shall have the right and responsibility to make decisions relating to the health, education and welfare of the child. In this regard, the defendant/mother shall:

(1) Keep the plaintiff/father advised monthly, in writing, of all medical and/or dental

visits actually made by the child in the prior month and all planned or scheduled medical and dental visits or appointments for the future. These monthly reports will be on a calendar basis and mailed to plaintiff not later than the 10th day of the following month. The first report is for the period from the date of the Court's oral order on June 5, 1985 to June 30, 1985.

(2) Arrange to have the child undergo a complete medical and dental examination, not less than once each calendar year. The child must have such examinations for the year 1985 after June 5, 1985. The doctors and dentists conducting such annual examinations will prepare a written report of these examinations. The defendant will mail to plaintiff a copy of such reports within five (5) days after she receives each of them.

(3) Defendant should, if possible, continue to take the child to Dr. Peter Falk.

c. As the defendant has sole legal custody, the plaintiff is ordered not to take the child to any doctor or dentist except in the case of an emergency or except with prior written consent of defendant/mother, or prior order of the court. Defendant/mother will try not to schedule doctor or dental appointments for the minor child during the custody time-sharing periods of the plaintiff/father except with his prior written consent.

d. Neither party is to take the minor child to a psychiatrist, psychologist, or any behavioral scientist therapist or counselor [except as provided in paragraph B.6. above] without the written consent of the other or prior order of court.

e. Pursuant to the provisions of Civil Code Section 4600.5 subd. (1), plaintiff/father is to have access to the records and information pertaining to the minor child, including, but not limited to, medical, dental and school records.

2. Reasons for the order of sole legal custody to the defendant/mother

As stated above, joint legal custody is unworkable in this case at the present time because the parties are unable to or refuse to communicate concerning the child. The Court finds that the constant pressure exerted by the plaintiff on defendant in these court proceedings has resulted in significant hostility between the parties. This hostility, plus the immaturity and irresponsibility of the parties, has made any meaningful interchange or discussion between them concerning decisions relating to the health, education and welfare of the minor child impossible. The Court finds the defendant/mother to be more flexible, reasonable, nurturing and decisive concerning a shared custody arrangement than the plaintiff/father and she is more able to provide the decision making required of a parent with sole legal custody. Notwithstanding any prior agreement of the parties to the contrary, the Court finds that this order giving defendant sole

legal custody is in the best interest of the minor child.

E. Physical Custody

1. Order. It is ordered that the parties have joint physical custody of the minor child.

2. In order to insure the child has frequent and continuing contact with both parties, the Court orders the parties to share physical custody of the child as follows:

a. The plaintiff/father will have the child from Thursday evening at 6:30 p.m. to Sunday at 6:30 p.m. every other weekend, commencing June 13, 1985, and from Thursday evening at 6:30 p.m. to Friday at 6:30 p.m. on alternate weeks, commencing Thursday, June 6, 1985.

b. The defendant/mother will have the child at all other times.

c. The Court has not provided for time sharing during holidays, birthdays or other special events. The Court expects the parties to commence communicating and to arrange, between themselves, these special time sharing

events. If they make no arrangements between themselves, there will be no special or different custody time sharing for these events.

d. Each party is to have a two (2) week vacation time sharing with the child each calendar year. The parties shall select this vacation time sharing by giving the other a sixty (60) day notice, in writing, of the time selected. The plaintiff/father will have the first choice for the vacation time sharing for 1985 and for all future odd years. The plaintiff/father need give only a thirty (30) day written notice for the year 1985. The defendant/mother will have the first choice for the vacation time sharing for 1986 and for all future even numbered years. All other custody time sharing rights are suspended during the vacation time sharing period except that the custodial parent must advise the other parent of the place where the child will be and the telephone number where the child may be contacted. The parent who does not have the child will be allowed one (1) phone

call per day during this vacation period, but the caller should try not to interfere with any planned activity for the child and should try to limit the call to fifteen (15) minutes.

e. During all change-over or physical transfers of the child in the custody sharing, the plaintiff has the responsibility of pick-up and return of the child to the defendant's residence or at such other reasonable place that the defendant may select upon twenty-four (24) hour notice to plaintiff's designated family member or members. Plaintiff or a member of his family may pick up and return the child.

f. The parties will avoid arguments or other disputes in the presence of the minor child, and will, for the present time, avoid prolonged discussion or other contact during the pick-up or return of the child, except in the case of any emergency.

g. Each parent will maintain clothing and toys for the child at their respective residences. The child may take some clothing and toys when

moving from the residence of one parent to the other.

h. The parties will endeavor to comply with the time schedules in this order, but each must start being more understanding of any delays and should avoid disputes, if possible, over the time schedules.

CHILD SUPPORT.

A. Agnos Act

The Court advised the parties that in considering plaintiff's request (OSC) to modify the previous child support order, the Court will apply the Agnos Child Support Standards Act of 1984 now in order to prevent the application of Civil Code, Section 4730 after July 1, 1985.

B. The Court finds the plaintiff's net monthly disposable income to be $1,145.00 after deducting $250.00 as additional expense for the plaintiff because of his physical custody time share rights. The Court finds that the net monthly disposable income of the defendant is $500.00. The Court finds that these sums result in a change of circumstances compelling a

reduction in and modification of child support payments.

C. Order

1. The Court orders plaintiff to pay directly to defendant as child support, the sum of $202.00 per month, payable one-half on the first day and one-half on the fifteenth day of each month, first payment to commence on June 15, 1985.

2. As additional child support payments, plaintiff is ordered to pay all medical and dental expenses for the child not covered by Medi-Cal.

3. All of said payments for child support are to be paid until the child reaches the age of majority, is emancipated, dies or until further order of the court.

4. The Court, in its discretion, does not order the modification of child support to be retroactive.

ATTORNEY FEES

A. The Court finds the following:

1. The only ability the plaintiff presently has to pay attorney fees is from his earnings mentioned above.

2. The plaintiff has already paid or obligated himself to pay his own lawyer an astonishing sum exceeding $25,000.00 in connection with this case and case CSD 011186.

3. The reasonable value of the legal services performed by her lawyer, Mr. Fiore, in this case is $8,500.00, but that defendant does not have the present ability to pay this sum or any part of it.

B. Order

The Court makes no present order requiring plaintiff to pay attorney fees for defendant's lawyer but, upon a showing of ability to pay in the future, the Court should order plaintiff to pay the $8,500.00 or some substantial portion of it plus the reasonable value for future legal services incurred by plaintiff in the case. Civil Code Section 7011.

RESTRAINING ORDERS

A. Each party is restrained and enjoined from annoying, molesting or harassing the other, directly or indirectly, in person, by mail or by telephone, at either of their respective residences, places of employment or any public place.

B. Each party is restrained from removing the minor child from the seven (7) counties of Southern California without prior written consent of the other or a prior order of the court.

C. Each party is restrained from making derogatory remarks about the other to or in the presence of the minor child.

ROBERT FAINER
Judge of the Superior Court

John H. Sandoz
Judge Pro Tem
Department 43

James H. Zander
Professional Law Corporation
15760 Ventura Blvd.
Suite 700
Encino, CA 91436
818/990-7470

Ronald A. Fiore, Esq.
16133 Ventura Blvd,
Suite 645
Encino, CA 91436
818/783-2602



SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

| | |
|---|---|
| JOSEPH C. LOESCH<br><br>Plaintiff,<br><br>vs<br><br>KATHRYN HECK,<br><br>Defendant. | CASE NO. CF 23417<br><br>**STIPULATION AND ORDER ON ORDER TO SHOW CAUSE** |

It is hereby stipulated between the above-named parties that:

[x]* 1. Legal and physical custody of the minor child Ingrid Kathryn Loesch, born October 27, 1982 shall be awarded to the parties jointly as follows:

---

* Where an "X" mark is inserted, all orders following are pendente lite unless specifically denoted otherwise. (Strike out portions not applicable.)

Defendant shall have physical custody of Ingrid Kathryn Loesch, except for the following periods of physical custody of Ingrid Kathryn Loesch which shall be Plaintiff's: Every Tuesday and Thursday evening, commencing Tuesday, June 26, 1984 from 5:30 p.m. to 8:30 p.m.;

Every other weekend, commencing June 29, 1984, from 4:30 p.m. and continuing to 7:30 p.m. on Sunday; Labor Day from 9:00 a.m. to 9:00 p.m.

[x] 2. The parties shall each be restrained from removing the minor child from the seven (7) southernmost counties of the State of California without the written consent of the other party or prior order of the court.

[x] 5. The parties shall each keep the other generally and reasonably informed as to the whereabouts of Ingrid Kathryn Loesch, including the telephone numbers and names of babysitters. Any babysitting in excess of three (3) hours shall be first offered to the party not then having physical custody, who shall have first option to care for the child during that period. The parent exercising said option may remove the child from the home of the then custodial parent.

[ ] 8. In the event either party reasonably believes Ingrid needs medical attention, and the other party fails or refuses to provide her with same, the parties shall both consult with Dr. Falk and/or Dr. Lavin to obtain a recommendation as to treatment. Unless otherwise agreed by the parties, or referred

by Drs. Falk and/or Lavin, Ingrid shall see no other physicians for medical attention.

[ ] 9. Both parties are to submit to and cooperate with a psychiatrist evaluator appointed by the Court (first available), the cost of which Plaintiff shall pay, with respect to the issue of child custody.

[ ] 10. Both parties are to submit to and cooperate with a court ordered probation report, the cost of which shall be paid by Defendant.

[ ] 12. The party commencing a custodial period shall pick up the minor child at the residence of the parent whose custodial period is then ending.

[ ] 13. Neither party shall be considered as having a greater burden of proof than the other with respect to the issue of child custody at the first full hearing thereon which follows the date hereof.

[x] 14. The parties each shall be restrained from annoying, attacking, harrassing, molesting, striking and assulting, threatening, battering or distrubing the peace of the other in any manner whatsoever.

[x] 16. Each of the parties shall be restrained from making derogatory remarks about the other to or in the presence of the minor child.

[ ] 17. Eachof the parties shall be restrained from entering the residence of the other, except to pick up or deliver Ingrid the beginning or end of a custodial period.

[x] 18. Neither party shall interfere with the physical custody of the other party of Ingrid during

such time as the other party shall have such physical custody rights.

19. All other issues reserved.

[x] 22. This stipulation shall be deemed to have been prepared equally by counsel for both parties and shall be incorporated in and made a part of the minute order by reference thereto and as though the same were fully set forth therein.

Dated: June 26, 1984

| | |
|---|---|
| James H. Zander<br>Attorney for Plaintiff | Joseph C. Loesch<br>Plaintiff |
| Ronald A. Fiore<br>Attorney for Defendant | Kathryn Heck<br>Defendant |

ORDER

The foregoing written stipulation between the parties is approved, declared the order of the Court and ordered filed. The Petitioner and Respondent are ordered to comply with and perform each and all of the terms, conditions, and provisions of such stipulation and agreement at the time or times set forth therein. (This order shall not be served upon anyone not a party to this action.)

Dated: July 3, 1984.

JOHN H. SANDOZ
JUDGE PRO TEM
Judge (Pro Tempore) of the Superior Court

Note to respondents in Propria Persona: The filing of this document will not prevent default. The stipulation is an "appearance," but does not constitute an "Answer."

This is a true certified copy of the record if it bears the seal, imprinted in purple ink, of the Registrar-Recorder.

MAR 2 1984

REGISTRAR-RECORDER
LOS ANGELES COUNTY, CALIFORNIA

REGISTRAR-RECORDER LOS ANGELES COUNTY · CALIFORNIA ·

104 - (STATE BIRTH CERTIFICATE NUMBER)

# CERTIFICATE OF LIVE BIRTH
## STATE OF CALIFORNIA

BD 120485 (LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER)

| | | | | | | |
|---|---|---|---|---|---|---|
| THIS CHILD | 1A. NAME OF CHILD—FIRST: INGRID | 1B. MIDDLE: KATHRYN | 1C. LAST: LOESCH | | | |
| | 2. SEX: Female | 3A. TWIN/TRIPLET ETC: Single | 3B. IF MULTIPLE THIS CHILD 1ST 2ND ETC: | 4A. DATE OF BIRTH—MONTH DAY YEAR: October 27, 1982 | 4B. HOUR—24 HOUR CLOCK TIME: 0528 | |
| PLACE OF BIRTH | 5A. PLACE OF BIRTH—NAME OF HOSPITAL OR FACILITY: Medical Center of Tarzana | | 5B. STREET ADDRESS (STREET NUMBER OR LOCATION): 18321 Clark Street | | | |
| | 5C. CITY OR TOWN: Tarzana | | 5D. COUNTY: Los Angeles | | | |
| FATHER OF CHILD | 6A. NAME OF FATHER—FIRST: Joseph | 6B. MIDDLE: Christopher | 6C. LAST: Leosch | 7. STATE OF BIRTH: NY | 8. AGE OF FATHER: 33 | |
| MOTHER OF CHILD | 9A. NAME OF MOTHER—FIRST: Kathryn | 9B. MIDDLE: Diane | 9C. LAST (BIRTH NAME): Heck | 10. STATE OF BIRTH: OH | 11. AGE OF MOTHER: 29 | |
| PARENT'S CERTIFICATION | I CERTIFY THAT I HAVE REVIEWED THE ENTERED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF | 12A. PARENT OR OTHER INFORMANT—SIGNATURE: Kathryn Diane Heck | 12B. RELATIONSHIP TO CHILD: mother | 12C. DATE SIGNED: 10/28/82 | | |
| ATTENDANT'S CERTIFICATION | I CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED | 13A. PHYSICIAN OR OTHER ATTENDANT—SIGNATURE—DEGREE OR TITLE: Seymour F. Gorelick | 13B. LICENSE NUMBER: G 32400 | 13C. DATE SIGNED: 10/29/82 | | |
| | 14. REQUEST OMISSION FROM SOLICITATION LISTS | 13D. TYPED NAME AND ADDRESS: Seymour Gorelick, M.D., 18411 Clark Street, Tarzana, Ca | | | | |
| LOCAL REGISTRAR | 15. DEATH—ENTER DATE OF DEATH | 16. LOCAL REGISTRAR—SIGNATURE: [signature] | 17. DATE ACCEPTED FOR REGISTRATION: DEC 06 1982 | | | |

A-48

2/13

Mon - K
Tues - J
Wed - K
Thurs - J
Fri - J
Sat - K
Sun J

Mon - K
Tues - J
Wed - K
Thurs - J
Fri - K
Sat J
Sun K

can't
push-up morning

Law Offices
Louis H. Bernstein
Suite 601
16027 Ventura Boulevard
Encino, California 91436
Telephone (213) 990-6262
Attorney for Plaintiff



SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

| | |
|---|---|
| JOSEPH C. LOESCH<br><br>Plaintiff,<br><br>vs<br><br>KATHRYN HECK,<br><br>Defendant. | NO. CF 23417<br><br>COMPLAINT TO ESTABLISH PATERNITY AND VISITATION RIGHTS |

Plaintiff alleges:

1. Plaintiff is and at all times herein mentioned has been a single man.

2. Plaintiff is and at all times herein mentioned has been a resident of Los Angeles County, California.

3. Defendant is and at all times relevant herein has been a resident of Los Angeles County, California.

4. On or about January 26, 1982, plaintiff and defendant engaged in an act of sexual intercourse in

Los Angeles County, California, and as a result of this act of sexual intercourse the child hereinafter referred to was conceived.

5. On or about October 27, 1982, defendant gave birth to a female child, hereinafter referred to as "the child," namely INGRID KATHRYN LOESCH, who was fathered by plaintiff and conceived as hereinabove alleged.

6. The child is now fifteen months old and resides with defendant in Van Nuys, California.

7. Plaintiff regularly contributes funds for the support, maintenance and care of the minor child. Plaintiff in the past regularly visited with the minor child, but recently defendant refused to allow plaintiff to visit with the child and continues to interfere with plaintiff's paternal relationship with the child.

8. Plaintiff has adequate income and property with which to pay reasonable sums for the support, maintenance and education of the child, and has the ability to assume a paternal role in regard to his natural child.

WHEREFORE, plaintiff prays judgment as follows:

1. That plaintiff be adjudged to be the father of the child.

2. That the Court award joint custody, legal and physical, of the minor child to the parties, or such other custody/visitation award as the Court deems proper, providing for frequent and continuous contacts of the plaintiff with the minor child as is

necessary for the establishment and continuance of plaintiff's paternal relationship with the minor child.

3. That plaintiff be ordered to pay to defendant a reasonable amount each month for the support, maintenance and education of the child.

4. For such other and further relief as the Court may deem proper.

DATED: February 22, 1984.

LAW OFFICES LOUIS H. BERNSTEIN

By: /s/ Louis H. Bernstein
LOUIS H. BERNSTEIN
Attorney for Plaintiff

Law Offices
Louis H. Bernstein
Suite 601
16027 Ventura Boulevard
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Telephone (818) 990-6262
Attorney for Plaintiff

ORIGINAL FILED
APR 4 1984
County Clerk

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES
111 North Hill Street
Los Angeles, CA 90012
Branch Name: Central

JOSEPH C. LOESCH
Plaintiff,

vs.

KATHRYN HECK,
Defendant.

CASE NO. CF 23417

**ORDER TO SHOW CAUSE**

[x] Child Custody [x] Visitation

1. To KATHRYN HECK

2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED.

a. date: 5/3/84 time: 8:30 A.M.
in: Dept 2 Rm: 215

b. Address of Court: 111 North Hill Street
Los Angeles, CA 90012

3. IT IS FURTHER ORDERED THAT

a. The following documents shall be served with this order:

Complaint to Establish Paternity and Visitation Rights

Dated: APR 4 1984

JOHN H. SANDOZ
JUDGE PRO TEM

LOESCH, JOSEPH C. v. HECK, KATHRYN
Case Number: CF23417

**APPLICATION FOR ORDER AND SUPPORTING DECLARATION OF CLAIMANT** requests the following relief.

1. [x] CHILD CUSTODY
   [x] TO BE ORDERED PENDING THE HEARING

   a. Child

      1) Name

      INGRID KATHRYN LOESCH

      2) Age

      15 months

   b. Request custody to

      Joint legal & physical custody, plaintiff & defendant

2. [x] CHILD VISITATION

   Week 1
   Tuesday 6:00 pm to Wednesday 7:30 am
   Thursday 6:00 pm to Friday 7:30 am
   Friday 6:00 pm to Saturday 10:00 am
   Sunday 10:00 am to Monday 7:30 am

   Week 2
   Tuesday 6:00 pm to Wednesday 7:30 am
   Thursday 6:00 pm to Friday 7:30 am
   Saturday 10:00 am to Sunday 10:00 am

13. FACTS IN SUPPORT OF RELIEF REQUESTED AND CHANGE OF CIRCUMSTANCES FOR ANY MODIFICATION ARE:

I am the natural father of the minor child, INGRID KATHRYN LOESCH, 15 months old. I have been regularly visiting with the child until recently when defendant refused to allow me to pick up the child. Previously the visitation was extensive and overnight. Both equity and the best interest of the child mandate that I maintain close and frequent contact with my minor child.

I also wish to have both physical and legal custody jointly with the defendant.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including any attachment, is true and correct and that this declaration is executed on (date):

March 16, 1984 at Encino, CA.

/s/ Joseph C. Loesch
(Signature of applicant)

RONALD A. FIORE
16133 Ventura Boulevard
Suite 645
Encino, California 91435
Telephone (213) 783-2602
Attorney for Respondent/Defendant

FILED
May 22, 1984

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES
111 North Hill Street
Los Angeles, CA 90012
Branch Name: Central

JOSEPH C. LOESCH
Plaintiff,

vs.

KATHRYN HECK,
Defendant.

CASE NO. CF 23417

## RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION

Hearing Date: 5/3/84
Time: 8:30 a.m.
Dept: II

1. [x] CHILD CUSTODY AND SUPPORT

b. I consent to the following order:

That the defendant retain full physical custody with reasonable visitation by the plaintiff.

2. [x] CHILD VISITATION

b. I consent to the following order:

Reasonable, with no over-night visitation. Two nights a week and all day Sunday.

5. [x] ATTORNEY FEES

b. I consent to the following order:

That the plaintiff pay the defendant's attorney's fees and costs.

12. [x] SUPPORTING INFORMATION

[x] contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including any attachment, is true and correct and that this declaration is executed on (date): 4/28/84 at Encino, CA.

Kathryn Heck
(Signature of Declarant)

## DECLARATION OF KATHRYN HECK

Prior to December 5, 1983, the plaintiff was visiting the child of the parties, Ingrid, age, one year, on Tuesday and Thursday evenings and all day on either Sunday or Saturday, as his schedule would permit.

On December 5, 1983, the defendant requested that Ingrid stay with him overnight on three nights of the week, in addition to this regular visiting schedule. I agreed to it on a trial basis. After about three weeks I noticed some drastic changes in Ingrid's behavior. She was excessively whiney and would cling to me during the day. She displayed unusual and unprovoked agression toward her playmates, such as biting, pulling hair and scratching. When sleeping, she would awaken four or five times and cry, which she had never done before. Problems with her bronchitis also arose and she was taken to her pediatrician for medication. She would also sleep during the ride to my employment, which she had never done before, after the plaintiff had dropped her off with me.

For these reasons, I decided to change the visitation schedule to its original state, without any overnight stays. The defendant would not listen to my reasons but was mainly concerned with his having her for overnight visits which has lead to this proceeding.

Since the change-over to the present schedule, the above-stated behavior problems have vanished. The present schedule is Tuesday and Thursday nights from 5:30 to 8:30, and every Sunday from 10:00 a.m. to 8:00 p.m..

In regards to my request for attorney's fees, an Income and Expense declaration is attached. I cannot afford to pay my attorney fees.

RONALD A. FIORE
16133 Ventura Boulevard
Suite 645
Encino, California 91435
Telephone (818) 783-2602

Attorney for Defendant



SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

| | |
|---|---|
| JOSEPH C. LOESCH<br><br>Plaintiff,<br><br>vs<br><br>KATHRYN HECK,<br><br>Defendant. | NO. CF 23417<br><br>**ANSWER TO COMPLAINT** |

COMES NOW THE DEFENDANT, KATHRYN HECK, and in response to the verified complaint on file herein, admits, denies and alleges as follows:

1. Answering paragraphs 1, 2, and 4 of the complaint, this defendant has no information or belief sufficient to enable her to answer said allegations, and based upon such lack of information and belief thereby denies each and every allegation contained therein.

2. In answering paragraph 5 of the complaint, this defendant admits that she gave birth to a child on or about October 27, 1982, and as to all other

allegations contained therein has no information or belief sufficient to enable her to answer said allegations, and based upon such lack of information and belief thereby denies each and every allegation contained therein.

3. In answering paragraphs 3 and 6 of the complaint, this defendant admits the allegations contained therein.

4. In answering paragraph 7 of the complaint, this defendant admits that the plaintiff has contributed funds for the child and that the plaintiff has regularly visited with the child, but denies each and every other allegation contained therein.

5. In answering paragraph 8 of the complaint, this defendant denies that the plaintiff has the ability to assume a paternal role regarding any child.

WHEREFORE, defendant prays judgment as follows:

1. That the Court determine parentage of the child;

2. That the Court deny plaintiff's request for joint legal and physical custody of the minor child.

3. That the Court determine reasonable child support for the child to be paid by the plaintiff, should the court determine that plaintiff is the natural father;

4. That the Court award attorney's fees and costs to the defendant; and,

5. For such other and further relief as the Court may deem necessary and proper.

DATED: 7/12/84

Ronald A. Fiore
Attorney for Defendant

VERIFICATION

I have read the foregoing ANSWER and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on July 12, 1984, at Encino, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Kathryn Heck
Signature